

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed November 16, 2005 (Paper No. 20051111). Upon entry of this response, claims 2, 4-5, 8, 11, 14, 16, 18, 29, 31, 38-42, and 49-58 are pending in the application. In this response, claims 39-41 have been amended, claims 49-58 have been added, and claims 34-37 and 43-48 have been cancelled. Applicant respectfully requests that the amendments being filed herewith be entered and request that there be reconsideration of all pending claims.

1. Allowable Subject Matter

Applicant appreciates the Examiner's allowance of claims 2, 4-5, 8, 11, 14, 16, 18, 29, 31, and 42. Applicant acknowledges the Examiner's indication in the Office Action that claim 39 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Accordingly, Applicant has amended claim 39 to include the limitations of base claim 37, such that claim 39 is now an independent claim. Accordingly, the Examiner is respectfully requested to place claim 39 in condition for allowance.

Applicant wishes to clarify that the amendment to claim 39 is made for purposes of presenting the claims in an independent claim format as requested by the Examiner, and not in response to any rejections made based on cited art. Because a dependent claim as a matter of law inherently contains all of the limitations of its respective parent independent claim, and any intervening claims, the amendment to claim 39 does not narrow the scope of claims claim 39 as originally filed.

2. Claim Objections

Claims 37-39 and 46-47 are objected to because of various informalities related to the preamble. Claim 37 has been cancelled, and thus the objection to base claim 37 and its dependent claims 38-39 is moot. Claims 46-47 have been cancelled, and thus the objection to claims 46-47 is moot.

3. Rejection of Claims 43-48 under 35 U.S.C. § 112, First Paragraph

Claims 43-48 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 43-48 are cancelled without prejudice, waiver, or disclaimer, and the rejection of these claims is therefore rendered moot.

Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these cancelled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the cancelled subject matter to the public. Applicant expressly reserves the right to present cancelled claims 43-48, or variants thereof, in continuing applications to be filed subsequent to the present application.

4. Rejection of Claims 43-48 under 35 U.S.C. § 112, Second Paragraph

Claims 43-48 have been rejected under 35 U.S.C. §112, second paragraph, as alleged being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as his invention. Claims 43-48 are cancelled without prejudice, waiver, or disclaimer, and the rejection of these claims is therefore rendered moot.

5. Rejection of Claims 34, 36-38, and 40-41 under 35 U.S.C. §103

Claims 34, 36-38, and 40-41 have been rejected under §103(a) as allegedly obvious over *Tzannes* (6,498,808) in view of *Helms et al.* (6,144,595). Claims 34, 36, and 37 are cancelled and thus the rejection of these claims is rendered moot. Claim 38 is amended so that claim 38 is now dependent on objected-to claim 39, and thus the rejection of claim 38 is also rendered moot. Claims 40 and 41 have been amended to include the feature “modifying at least a portion of the assignments from the ordered bit table such that adjacent tones have different bit densities.” Since this feature is present in objected-to claim 39, Applicant respectfully submits that this amendment to claims 40 and 41 overcomes the rejection.

Claims 34, 36, and 37 are cancelled without prejudice, waiver, or disclaimer, and Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these cancelled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the cancelled subject matter to the public. Applicant expressly reserves the right to present cancelled claims 34, 36, and 37, or variants thereof, in continuing applications to be filed subsequent to the present application.

6. Rejection of Claim 35 under 35 U.S.C. §103

Claim 35 have been rejected under §103(a) as allegedly obvious over *Helms et al.* (6,144,595) in view of *Tzannes* (6,498,808) and *Levin* (5,822,374). Claim 35 is cancelled without prejudice, waiver, or disclaimer, and thus the rejection is rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these cancelled claims in a continuing application, if Applicant so chooses, and

does not intend to dedicate any of the cancelled subject matter to the public. Applicant expressly reserves the right to present cancelled claim 35, or variants thereof, in continuing applications to be filed subsequent to the present application.

7. Newly Added Claims

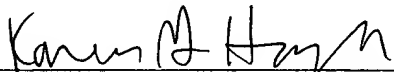
Applicant submits that new claims 49-58 are allowable over the cited references. Claims 49-58 are allowable over the cited references for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Claims 49-58 do not contain new matter, and do not contain matter which requires a new search. The subject matter of claims 49, 52, and 56 was presented in original claim 17. The subject matter of claims 50, 53, and 57 was presented in original claim 5. The subject matter of claims 51 and 55 was presented in previously present claim 35. The subject matter of claims 54 and 58 was presented in previously present claim 4. Therefore, Applicant requests the Examiner to enter and allow the above new claims.

CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 2, 4-5, 8, 11, 14, 16, 18, 29, 31, 38-42, and 49-58 be allowed to issue. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

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